



# GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

## 2005 REGULAR SESSION

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HOUSE BILL NO. 79

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THURSDAY, FEBRUARY 24, 2005

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 8, 2005  
4:02 pm

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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to the master logger program.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1 Section 1. KRS 149.342 is amended to read as follows:

2 (1) After two (2) years from July 15, 1998, no person shall conduct timber harvesting  
3 operations within the Commonwealth unless there is on the site during the timber  
4 harvesting operations at least one (1) logger in charge of the harvest who has  
5 successfully completed the Master Logger Program or who has received a  
6 temporary master logger designation in accordance with the cabinet  
7 requirements as provided for in subsection (4) of this section.

8 (2) After successful completion of the Master Logger Program, continuing education  
9 shall be required of the loggers every three (3) years.

10 (3) The cabinet shall specify the education and training requirements for the Master  
11 Logger Program as developed by the University of Kentucky, the Kentucky Forest  
12 Industries Association, and the division, shall specify the requirements for  
13 continuing education, and, may establish a basic fee for the program that bears a  
14 reasonable relationship to the cost of training.

15 (4) The cabinet shall specify requirements for a temporary master logger  
16 designation, which shall be valid for four (4) months.

17 (5) A logger or operator who uses a temporary master logger shall notify the division  
18 prior to beginning the timber harvesting operation on which a temporary master  
19 logger is on site and in charge.

20 (6) The division shall maintain a current list of all loggers who have successfully  
21 completed the Master Logger Program and required continuing education, and shall  
22 make the list available to the public. All master loggers shall provide the cabinet  
23 with a published phone number.

24 ~~(7)(5)}~~ Loggers who have previously completed the Kentucky Master Logger  
25 Program are considered to be in compliance with subsection (1) of this section.

1 ~~(8)~~~~(6)~~ Any logger who primarily uses mules or horses in the logging operation shall  
2 be exempt from the Master Logger Program.

3 ~~(9)~~~~(7)~~ After two (2) years from July 15, 1998, all state parks shall have on staff at  
4 least one (1) employee who has completed the Master Logger Program.

5 Section 2. KRS 149.344 is amended to read as follows:

6 (1) Two (2) years from July 15, 1998, any logger or operator engaged in the conduct of  
7 any timber harvesting operations shall use appropriate best management practices.

8 (2) No logger or operator shall conduct any timber harvesting operations in a manner  
9 that is causing or will likely cause water pollution.

10 (3) If the cabinet determines that a logger or operator engaged in timber harvesting  
11 operations has failed to use the appropriate best management practices or is causing  
12 water pollution, the cabinet shall give the logger or operator a written warning of  
13 the facts alleged to constitute the failure to use the best management practice or the  
14 water pollution, and a reasonable period for abatement and compliance.

15 (4) If, after the time for abatement in the written warning, the cabinet determines that  
16 the logger or operator has failed to implement the appropriate best management  
17 practices or has failed to abate the water pollution, the logger or operator will be  
18 provided an opportunity for an informal conference with the district forester. After  
19 the opportunity for an informal conference, if the cabinet determines that the logger  
20 or operator has failed to implement the appropriate best management practices or  
21 has failed to abate the water pollution, the cabinet shall issue a notice of violation  
22 stating the best management practice that the logger or operator has failed to  
23 implement or the facts alleged to constitute the water pollution, and order the logger  
24 or operator to implement corrective measures within a specified period of time.

25 (5) If, after the issuance of a notice of violation, the logger or operator fails to  
26 implement the best management practice or corrective measures, the cabinet shall  
27 issue a special order mandating the logger or operator to immediately implement the

1 best management practice or the corrective measures. The cabinet may also order  
2 the logger or operator to cease all or a portion of the timber harvesting operation  
3 constituting the violation, and if the cabinet does so, the logger or operator shall  
4 cease all or a portion of the timber harvesting operation, until an inspection  
5 determines that the violation has been abated. At the time the special order is  
6 issued, the cabinet shall notify the logger or operator of the opportunity for an  
7 administrative hearing under KRS 149.346(2), to be held within five (5) working  
8 days of the receipt of a written request made by the logger or operator.

9 (6) If the cabinet finds that any logger or operator is conducting any timber harvesting  
10 operations in violation of KRS 149.342(1) or in a manner that is causing or is likely  
11 to cause water pollution that is presenting or will likely present an imminent and  
12 substantial danger to the public health, safety, or welfare, or to the health of  
13 animals, fish, or aquatic life, or to a public water supply, or to recreational,  
14 commercial, agricultural, or industrial uses, the cabinet may issue an emergency  
15 order directing the logger or operator to immediately cease the activity and  
16 implement corrective measures within a reasonable time, and the logger or operator  
17 shall immediately cease the activity and implement corrective measures. At the time  
18 the order is issued, the cabinet shall also notify the logger or operator of the  
19 opportunity for an administrative hearing under KRS 149.346(2) to be held within  
20 five (5) working days of the receipt of a written request. The commencement of  
21 proceedings by the cabinet under subsection (3), (4), or (5) of this section shall not  
22 preclude the cabinet from issuing an emergency order under this subsection.

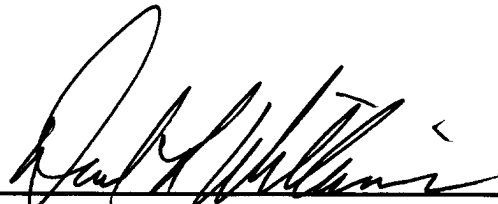
23 (7) Notification under this section shall be by certified mail, return receipt requested,  
24 sent to the last known address of the logger or operator, or by hand delivery by the  
25 cabinet.

26 (8) If the logger or operator fails or refuses to cease activity or comply with and  
27 implement the best management practices or corrective measures in a special order

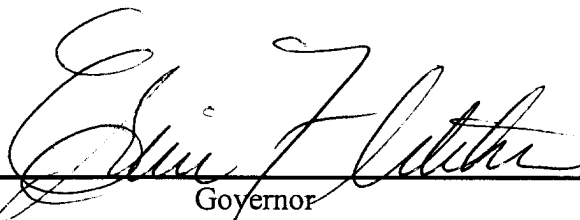
1 issued under subsection (5) of this section or fails to cease activity and implement  
2 corrective measures in an emergency order under subsection (6) of this section,  
3 unless extended by the cabinet, the logger or operator shall be deemed a bad actor  
4 and shall be subject to civil penalties under KRS 149.348 after an opportunity for a  
5 hearing under KRS 149.346. The cabinet shall have the authority to remove or  
6 terminate bad actor designations from loggers or operators that demonstrate  
7 adherence to implementing best management practices, have paid all fines and  
8 penalties imposed by the cabinet, and have completed corrective action on sites  
9 with violations.

10 (9) The cabinet may promulgate administrative regulations to establish rules and  
11 procedures to remove or terminate the bad actor designation from a logger or  
12 operator that was previously designated a bad actor under subsection (8) of this  
13 section.

  
Speaker-House of Representatives

  
President of the Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 